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Secretary of Transportation

Commonwealth of Kentucky  
**Transportation Cabinet**

Frankfort, Kentucky 40622

August 18, 1999

Paul E. Patton  
Governor

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Deputy Secretary

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Ms. Magalie Roman Salas  
Commission Secretary  
Federal Communications Commission  
Portals II, 445 12th Street, S.W.  
Suite TW-A325  
Washington, D.C. 20554

Re: File No. NSD-L-99-24  
CC Docket No. 92-105  
Reply Comments

Dear Ms. Salas:

On July 9, 1999, this Agency submitted comments on the subject FCC Docket. We are pleased to also submit Reply Comments to the same Docket. Four copies of this letter are attached and two copies are being sent to Mr. Al McCloud.

We have reviewed a summary of many of the original comments to this Docket, especially from other State Agencies, and note either total support or support in principle for an early assignment of N11 for traveler information on a National basis. This Agency contends that the record is sufficient for the FCC to determine that a N11 assignment for traveler information is justified. Further, there is no need for the FCC to institute a rulemaking proceeding which will only lead to unnecessary delays in implementation while at the same time traffic congestion is increasing. There is precedence for such an action in that the FCC did not enter into rulemaking in February of 1997, when 311 was assigned to non-emergency police and other public purposes. Please note that at that time, this Agency was utilizing 311 for traveler information. We did not protest as we realized the public need that was being addressed by the 311 assignment. We did, however, immediately begin the process to switch to another N11 number and move forward. There is more detail on this in later paragraphs.



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Many comments to this Docket were from heavily populated (and traffic congested) areas of the Nation, especially California and the Virginia to Massachusetts corridor along I-95. These comments indicate a real need for a N11 Dialing Code for traveler information in these areas. Likewise, there were many supportive comments from less populated areas like Mississippi, Montana, Nebraska, Utah, and of course, our State. As such, the need for a National N11 Dialing Code transcends the population spectrum of this Nation.

You may recall from our July 9, 1999, comments that the Kentucky Transportation Cabinet was the first agency in the Nation to obtain and use a N11 Dialing Code to provide traveler information. Originally, we had 311 but later were switched to 211. We have faced many issues in obtaining and using our N11 Dialing Codes, most of which were raised by other commenters to this Docket. We have listed these issues and provided our response in the following paragraphs.

Our first issue was really a combination of three issues, namely, unknown costs, unknown benefits, and an unwilling Local Exchange Carrier (LEC). When we first petitioned the Kentucky Public Service Commission (KPSC) for a N11 Dialing Code for use in just six of our 120 counties, we knew very little about what to expect. One of the first things we learned after the KPSC awarded us with 311 was that the cost was much more than we anticipated or considered reasonable. At our KPSC Hearing, there was testimony from a RBOC (not the LEC) that \$0.10 per call is a desired charge to cover usage and we took the position that this was a fair charge for all involved. We were willing to pay this amount plus the one-time charges. However, the LEC demanded an annual "right-to-use" fee of \$60,000 even though the KPSC had ordered the LEC to make the 311 dialing code available to us. The LEC also demanded a minimum monthly usage fee of \$5,000 along with monthly costs for "central office charges" and "trunk fees". We eventually negotiated lower fees of \$45,000 and \$4,500 respectively, and agreed, under protest, to pay these fees in order to gain experience with usage. Thus, we began using 311 in November of 1995, by paying about \$0.60 per landline call and the one-time start-up costs. As time passed, usage increased and 211 became available for the entire Cincinnati/Northern Kentucky area. In early 1998, we were able to negotiate a better contract with the LEC and share costs with the Ohio Department of Transportation (ODOT), yet we still are paying \$0.20 to \$0.25 per landline call (depending on usage) simply for using a N11 Dialing Code. We still believe that \$0.10 cost per landline call is a fair and reasonable cost; however, as will be seen in the next paragraph, benefits are also much greater than we had anticipated.

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We now have been able to assess the benefits of our usage of N11 Dialing Codes. During 1997, we were able to collect usage data for a three-month period when Kentucky residents dialed 311 and Ohio residents dialed 333-3333. Calls were going to the same location for the same traveler information. Thus, the only variable was the dialing code. We were amazed to learn that, on a per capita basis, 72.7% more calls were made to 311 than 333-3333. This year, an independent survey by the University of Kentucky has found that 99% of current callers to 211 have modified their travel behavior at least one time based on the information they received. The above two pieces of information are sufficient to lead us to believe that the benefits being received by the traveling public are much higher than we had ever hoped for and outweigh even an unfair cost. We are also about to begin an evaluation of our entire Traffic Management System during which we expect to more precisely identify the benefits of the traveler information function.

As previously noted, cost and benefits were unknown as we began to use 311. We have now resolved cost issues somewhat, but are still paying a premium price. However, benefits have far exceeded expectations. We now believe our investment to be justified although we will continue to strive to lower costs.

Another issue was our decision to request the 311 dialing code knowing that the FCC could pre-empt this number at any time. When this did occur in February of 1997, we petitioned the KPSC to change our award to 211 even though no local agency had indicated any interest in obtaining 311 for non-emergency use. Also, we were aware that the FCC could also pre-empt this number. We used the above change from 311 to 211 as an opportunity to publicize our Traveler Information Service. We had erected signs on our freeways advising the public that traffic information could be obtained by calling 311. It was a simple matter to place a "211" decal over the "311" portion of these signs.

A third issue is what N11 Dialing Code your agency will designate if the subject Docket request is approved. Certainly, we request that it be 211 as we currently use this number. However, a designated dialing code is far more important than the actual code. Should you designate a dialing code other than 211, we will again switch to a new code. We will incur some cost but another dialing code is not a showstopper.

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A fourth issue was the dialing code used for cellular providers, which is not a regulatory issue. The local providers were willing to make the software changes in their equipment to switch from 311 to 211 at no charge to us. The cellular providers have been most cooperative and do not charge airtime for calls to our 211 Traveler Information Service. The value of these waived airtime charges is about \$50,000 per month.

Another important issue is how an N11 Dialing Code will be administered and what agency will be responsible. In our current situation, this Agency is responsible for administration. The KPSC only awards the number. This is as it should be at the National level also. The FCC should designate the N11 Dialing Code and leave it to the State agencies to totally administer the usage or, in selected situations, delegate to local or regional agencies. We plan to both administer and be responsible for N11 usage in the Commonwealth of Kentucky pending any regulations to the contrary by the FCC and/or KPSC or legislation by our General Assembly. Our administration of a N11 Dialing Code will NOT take any action to add to the workload of 911 emergency personnel. In fact, usage of 211 in the Cincinnati/Northern Kentucky area has DECREASED the number of calls to both 911 and police department dispatchers. There will be some instances where a regional or local public agency can best administer a N11 Dialing Code. That option should be provided, but left to the State Transportation Agency to decide.

Yet another most important issue is the information to be provided to callers to any dialing code whether it be ten, seven, or three digits. This information must be factual, current, informative, and allow travelers to modify their travel decisions. This Agency and the ODOT are currently paying over \$90,000 per month to provide traveler information for the Cincinnati/Northern Kentucky area and about \$11,000 per month strictly for 211 usage. The knowledge that the \$11,000 expenditure generates 72.7% more usage of the \$90,000 expenditure makes both expenditures worthwhile.


We will be taking two other actions this month which serve to show our belief that a N11 Dialing Code has substantial benefits to the traveling public. One will be a petition to the KPSC to continue use of a N11 Dialing Code regardless of FCC action on the subject Docket. Second, an Information Technology Request for Proposal will be issued that will, among other things, provide for a consultant to develop a phased-in statewide program of telephone traveler information using a N11 Dialing Code. We are confident that the FCC will grant the USDOT petition under this Docket and want to move quickly to provide much better travel information to our travelers.

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We offer one additional commitment to a speedy and widespread implementation of a National N11 Dialing Code. We will work through two National organizations of which we are a member to provide assistance and advice to other transportation agencies who will be implementing a N11 number for the first time. These agencies are the Intelligent Transportation Society of America and the American Association of State Highway and Transportation Officials.

Again, we appreciate the opportunity to provide Reply Comments to this Docket.

Sincerely,

  
James C. Codell, III  
Secretary

JCC/LW/dd

Attachments

cc: Al McCloud (2)  
Kentucky Congressional Delegation  
John Collins, ITS America  
Gordon Proctor, Ohio Department of Transportation  
James Q. Duane, OKI Regional Council of Governments  
Kentucky Public Service Commission